

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH

THOMPSON *AT*

CHILCOTT *g*

DRISCOLL *10*

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner Carlotta
Grandstaff, Commissioner Jim Rokosch, Commissioner Greg Chilcott, Commissioner
Alan Thompson, and Commissioner Kathleen Driscoll.

Date..... June 4, 2008

Minutes.....Beth Perkins

► The Board met with Brian Glenn, Stewart Brandborg and Hans McPherson to discuss
zoning.

Commissioner Grandstaff opened the meeting and stated Brian Glenn, Stewart Brandborg
and Hans McPherson are here today for a presentation.

Hans presented the Board with a memorandum of their suggestions for countywide
zoning. (See Attached) He read it to the Board.

Brian stated they are looking for a leadership role from the Board to provide a quality
product. If there isn't a quality product, support will not be given. He spoke about the
transfer of development credits for large landowners being one of the key elements to be
looked at.

Stewart agreed with Hans and Brian. He stated he was happy to hear the Board met last
Friday for a work session with the Draft B zoning regulations. He stated they asked what
they could do to expedite good material and work in getting a clean Draft B. He
presented the idea of representatives of farmer development, landowners, citizens and the
CPCs be drawn into dialogue. This, as a beginning model, should be taken to the
communities. If people get together, they could talk about their problems so they can be
identified, then build on that and try to reconcile what you can. With mapping, that is
where we demand the most of ourselves. He stated from the standpoint of Bitterrooters
for Planning, the deadline of November should try to be met but not at the cost of a

quality product. Ideas need to be mixed up and come out with a reasonable result. It needs to be taken to the communities with PPRI facilitating and hash this out.

Andy Maki stated a historic opportunity in front of us. A quality product is needed and done right. Small business needs to be encouraged. Some kind of planning needs to be done. The people he has talked to are scared of Draft B. They need leadership from the commissioners, from the CPCs, the agricultural community and building community.

Commissioner Grandstaff thanked them for coming together. She is glad to see a group of individuals getting together on their own for their views. She has noted six key points brought up today. She stated no one is in favor of Draft B zoning regulations. She does not disagree with anything that has been brought up today. Stewart stated the goal is to see if they can make this work and be happy with the product in this deadline. They need the Commission to bring Clarion in and PPRI in to pursue follow up in making this work. He stated leadership is needed.

Commissioner Grandstaff stated a different tack is needed. They do need to bring Clarion and PPRI back.

Commissioner Rokosch stated he appreciates the effort to bring their interests to the Board with common elements. It is an opportunity to build upon. The Commission took a step back to see what came forward from the community first. The Board didn't want to present a predetermined product to the citizens. They are trying to balance community driven effort and process. Rather than collecting data and sending it to Clarion, the Board is now summarizing it. He has heard enough input on the design standards not being appropriate for the Bitterroot Valley. If the Board has a chance to succeed, this next effort has to be close.

Commissioner Driscoll stated it is obvious these four individuals have listened to each other regardless of differences. That is important for progress. Commissioner Thompson stated he sees people on both sides on the equation with differences of opinion, which is the same for this Board. All the calls and emails he has received, shows people are not in favor of Draft B. They have talked about baseline zoning and conflicts that exist within the community. You have folks who don't want any zoning at all and those are the same people who get a motor track in next door to them and then ask for help. He stated he would like to see the ideas of the folks who live in the area and then sit down and make those decisions. He does not want to see this Board sit down and then tell the citizens what it is going to look like. He appreciates people working together.

Commissioner Chilcott stated the initial approach of this Board was to have a grass roots approach to zoning. The only starting point was the document derived from the Planning Board Land Use Subcommittee. Ravalli County is a county with a rural style. The document was more urban. The County started down a long arduous road in the wrong direction. We need to get back to the basics and recognize who we are and where our goals lie. We need to focus on what we are trying to accomplish with zoning. We have

come a long way in identifying our goals. Our goal is to minimize the conflict we hear everyday. We need your participation more than ever.

Hans stated we don't all agree but we have had some interesting meetings. The CPCs were a good place to start but it is now time for the Board to step up and lead. This was drafted way before yesterday's election. This is what we have from different areas such as building industries, agricultural industries, etc. Everyone agreeing is not what is going to happen. The goal should be 60%, ideally 70%. 60 pages of Draft B are not acceptable. It should be 6 pages not 60. We need to keep it simple. He has a son who is a civil engineer in Sacramento. He put 100 houses on 100 acres. He does not want to see that in our valley. Commissioner Chilcott stated he agrees with this memo. Hans stated there is not a grain of trust at this moment. They have some respect but not trust. There are a few grains that can be built on. If there is any hope at all of zoning, we need to press on.

Andy stated the sooner you do it, the easier it is. Hans stated all of the things outlined by the Commissioners to work on are things we have to have. Commissioner Chilcott stated they have kicked that can around several times. For the people with gravel pits going in next door, we should make those regulations more restrictive in residential areas. Hans stated it is hard for businesses and you need to keep the jobs here. Some gravel pits are a viable source of income.

Commissioner Rokosch stated you can do this proactively. We will have to agree on industrial areas. Do we want new towns in the Bitterroot and if so, where are they going to go? Andy stated he would like to see the towns grow to take the pressure off of the agricultural industry. The question is how can we work together to accommodate the growth. Commissioner Grandstaff stated that was one question discussed in the work session for Draft B. Hans stated a person drives into the town of Hamilton and see the area south of the railroad tracks to south of Darby is not in town but they all have septic. Brian stated we need visionary leadership to protect the water. Commissioner Driscoll stated the community needs to come together more. Leadership is based on knowing when to activate that leadership and having something to work with. You can't shove it down the people's throats. Commissioner Chilcott requested clarification of recommendation B in the memo. Commissioner Rokosch stated we need our own summarization first for the commission and then have it presented to Clarion for Draft C.

Commissioner Grandstaff stated due to a scheduled item at 10:30 a.m., we can continue this meeting after it. **Commissioner Chilcott made a motion to continue this meeting at 10:45 a.m. Commissioner Driscoll seconded the motion. All voted 'aye'.**

Stewart stated he is in agreement with Commissioner Rokosch's statement. The Board has to demand Clarion come back and link with the communities. Brian read the last paragraph of the memo.

► Minutes: Glenda Wiles

► The Board met to open and review and possibly make a decision on RFQ's to provide architectural services for 9-1-1 and a DUI processing center to be located at the Courthouse. Two proposals were received; from OZ Architects and CTA Architects.

Commissioner Chilcott made a motion to create a committee in order to review the RFQ's for compliance and completeness in qualifications for architectural services, then to bring their recommendations back to the commissioners. The Committee Members will be Glenda Wiles, Adm. Assist, Joanna Hamilton, 9-1-1 Director, Civil Counsel Karen Mahar, Clerk and Recorder Regina Plettenberg and Commissioner Grandstaff. Commissioner Driscoll seconded the motion and all voted "aye". The committee will bring their recommendations to the Commissioners the week of June 23rd.

► Minutes: Beth Perkins

► The Board met for the continuance of the 9:30 a.m. meeting. Commissioner Grandstaff opened public comments.

Bill Caulfield stated he would like to see what other people say here.

Susie Foss stated she has seen some agreement and some disagreement here today. Her concern is if her family can stay ranchers. We are going broke. We do not have enough land to run cattle. The option is to sell in pieces or as one lot. She does not want her neighbors telling her she doesn't have the right to do that. The reality is if we are not running cows, we can't stay in agriculture. Her husband is a realtor and sells ranches. He has not sold any for awhile. She would like to see someone besides Stewart speaking about large landowners. There are people who love agriculture here in this valley. You have to look at each property to see what the best development is for it. Agriculture is a lifestyle but our children cannot afford to stay here.

Dan Floyd stated he commended the Board hiring Clarion. What he has seen so far is Clarion hitting a button on a processor and spit out Draft A. You have seen what happened in Darby. There was a lot of input. Draft B had nothing that came out of the CPC meetings, it was worse than Draft A. What is happening now is all of the sudden in revolt of Draft B; the Commission has decided to go with a minimalist zoning draft. All it is going to be is death by a thousand cuts starting with a simple version and then adding more detail as you go. He stated he does not know if the Board is even aware of it. People should have a right to vote on every additional regulation added to the regulations after they are adopted. You have heard people talking about what they want to do with their land. They need to look into voluntary zoning. The end result of Clarion is zoning. That is why you had the revolt in Darby. Someone has to look at the process Clarion is doing.

Cindy Bratvold stated there is a huge elephant in the room. They want to know about the Darby vote and if it is going to be honored. Commissioner Grandstaff replied yes, the Board is going to honor the vote. Cindy asked if Darby is out of the zoning process. Does that mean Darby is going to be zoned? Commissioner Grandstaff replied if the vote was

no, she said she is going to honor the vote. She is going to meet with Tory Clark and ask where they are going.

Randy Brown stated Stewart Brandborg has had similar meetings in the past with the loggers. He does not honor his agreements. There was a statement that citizens voted on the zoning three times. We did not vote on zoning three times. We voted on a study for zoning and 1 per 2. Why doesn't the whole county get to vote on this? We are awake now and we are in this mess. Darby voted. The other communities want to vote. Clarion does not live here and it is getting scary. If we get one bit of zoning in, it is going to grow and grow. Pretty soon we cannot do anything with our property. This is not England, Ireland, etc. He is shocked that Kathleen is not wanting the people to vote. Commissioner Driscoll replied the landowners who have the land would not be the only ones to vote. Other citizens would have a say on someone else's land. Randy replied the people deserve the right to vote. Bringing Clarion back and forcing zoning is not the answer. Commissioner Driscoll stated one of the reasons Clarion was brought on board was the developers requested someone with an oversight to guide us all through the process. When we hired them, we took into account the developers' and the builders' opinion. Randy replied they should not have a say in people's land. They don't pay their taxes for them.

Tex Irwin stated this "feel good" group today is here representing their interests. Having Clarion out there is like having the fox design the hen house. Their job is zoning and that is what they do. They don't even have a good record. The other comment made about CPCs or citizens getting 60% of how the town will look, Darby had 75% say how they want the town look. He lives up West Fork and where he is there is not much land deeded out. You are not going to see many subdivisions there. There should just be subdivision regulations. He stated Commissioner Chilcott stated state law gives you the things to be considered. As elected people, you live in the county. Clarion's job is to do zoning. There is good and bad to it. He does appreciate the Board is now listening. It should be a vote.

Jerry Ehman stated he is a cattle rancher. He moved up here from Colorado to get away from the zoning. It is like Clarion followed him up here. Let's not rush into this and get a quality product. He is against zoning but you need something in place. He liked Commissioner Rokosch's comment about gravel pits. He would like the Board consider letting the Darby district out of the zoning plan. As for Brandborg, in the 25 years he has been here, has seen him help destroy the logging industry and he likes the hearty atmosphere. He will be damned if he is going to let him do the same thing to his private land.

Cindy Bratvold stated she did not get a clear answer. The entire Board stated they will honor the straw poll. Cindy asked if that means the Darby district will be out of the zoning process. Commissioner Grandstaff stated the Board is new to this zoning process and is feeling it out. Cindy asked as of right now, is Darby out of the zoning process. Commissioner Grandstaff replied in her opinion, yes from south of Roaring Lion. If Darby ever wants to opt in, they can. Commissioner Driscoll stated the important part is we cannot bind future commissioners. Cindy stated she worries if this whole thing is a conspiracy. Commissioner Grandstaff stated the Board did not want to be involved in the

beginning to not be seen as driving the outcome until they seen Draft B. The CPCs have run their course and are still involved. Commissioner Driscoll stated Draft B forced everyone to wake up and get involved.

Susie Foss stated we all get excited to expand off of a current town or city, then we hear one thing and then another. Board discussion followed regarding subdivisions hooking into the city water and sewer. Susie stated that getting the communication out seems to be the problem. She is a business person and views the Commissioners as running the county. If we hired Clarion and they have came out with two bad drafts, why keep them? A lot of what is happening is the points getting missed with the drafts. As a taxpayer, she is upset with the results. Why ask Clarion back if you are not happy with what they are producing.

Carl Fox stated he has been involved since day one. With Corvallis, you are right and Corvallis has flooded twice. He believes at this point, Clarion does not fit. They did not know what was in the document presented. He read the 70 pages and found a lot of discrepancies. He stated Commissioner Driscoll is great and on the right track with the landowners. There should be something set up to allow the landowners to vote. We need to exhibit some trust. Commissioner Chilcott stated it is unconstitutional to have a ballot box for just landowners. You need to protest. We don't define the right to vote as freeholders. It is not a vote but a voice.

Amy Arnold asked why we keep doing this as if one size fits all. There are some areas that need it and others don't. She spoke to Commissioner Rokosch about streamside setbacks and was told you can't do it in a case by case basis due to money. Why do we insist on the same rules for everyone when each community is different? Since our valley is unique, it is important to get it right. As for money, lawsuits will hit for developments being denied with zoning. How is a protest heard? People have spoken and took time off of work and were turned down and the opinion and recommendations of the Staff were not taken into consideration. The people on this Board have their own agendas. She stated she has trust issues. She feels like the Board is shining the people on. She would like to have more faith in the process.

Terry Basolo stated he is opposed to zoning completely. The first case backed up was a rural situation. There is a difference between planning and zoning. A lot of people want planning not zoning. He does not think that is the direction this county should go. If you spoke to people now who are zoned in Idaho, zoning become something easier for the Commissions to accept. This is a chance for this Board to do it right. People move here for a reason. He requested the Board do their jobs and leave zoning and the bureaucracy out of it. Commissioner Grandstaff asked how do you define zoning and planning. Terry replied planning is common sense and coming up with a consensus. There are subdivision regulations and you have the right things in place. Commissioner Driscoll stated the fact is what we use as a tool to make that plan tweaks peoples' feelings with zoning. Commissioner Rokosch stated that is spot zoning and it is not allowed by law. Zoning is a tool. We are talking about four basic things for zoning. It did get blown out and now we are back to the basics. Terry stated you have the fear of people being involved. You

should let the people study it and then get a good product. Let people vote and restore the trust. He would caution you about a little zoning. It is never a little zoning.

Roger Mikesell stated he is a rancher. He would like to commend Hans, Brian and some of the others. Hans made sense. On the other side of the coin, Stewart undid everything the others did. We have talked about slowing this process down and coming up with a good product. It concerns him if you want to farm, farm. If you want to build a subdivision, build it. No one should be told what to do with their property. Everyone should be able to live the American Dream. We have woken up the sleeping giant. Clarion needs to be sent down the road. People are smart enough to put a plan together. We need to get back to the basics that made this valley great. Zoning will grow and grow. We are subject to those regulations.

Jack Saunders stated we live in a democracy. We elect people to govern us and we are bound by what congress comes up with. If Montana State does not like it, we still obey those laws. They have made the laws we are following and responding to. The vote that brought the zoning issue to the table required that we follow the Montana laws and that applies to both ends of the valley. We don't live in anarchy. That isn't the way the United States works. He stated Susie wants to get rid of the elk and her property.

Randy Brown asked the Board to clarify zoning. He discussed Victoria Clark having a conversation with him regarding zoning. She wants it zoned as how she likes and stick someone else with the problem. Whether or not zoning happens, there are still going to be subdivisions approved. Zoning will just prevent lawsuits for subdivisions. Commissioner Grandstaff replied that is not true. Anyone can sue anyone over anything. Commissioner Driscoll stated there are requirements for subdivisions. Randy asked where you are going to zone racetracks. The whole county needs to vote. Commissioner Grandstaff stated when Darby asked to opt out; she heard how different Darby is from the other towns. Now she is hearing the same argument for all the towns. Randy stated he would like to see all towns have a vote.

Terry Daniels stated after listening to everyone talk, she has some questions. There were several people who went to Florence CPC meetings and then asked when they put things on the maps were later taken off of the maps. One of the things she has found, is the people don't feel they are being heard and they are being dismissed if they are not in favor of zoning. It is the same with Darby but in reverse. She asked if Commissioner Grandstaff has a mandate on zoning would she change her constituents. Commissioner Grandstaff stated she will honor the straw vote and continue to work on zoning for other areas.

Dave Hurtt stated item two of the comments mentioned here today regarding going too fast. He agrees it is going too fast.

Barnell Lambert stated Stewart had plans to appeal the vote in Darby to have it overturned. The Board replied no one has heard that.

Ken Madden asked if Stewart ran this county or does the Board. He has heard the ranchers and farmers. There is a wound in this valley. When a name consistently comes up there is a problem. The role that is possessed by the Board is to govern. We don't trust you. We don't trust Clarion. If you can hear anything, it should be our hearts. He directed towards Carlotta and stated she has stated she has felt pressed and it is because she has her own agenda and not the interest of the people. We feel you are in the pocket of the Bitterrooters for Planning. Commissioner Grandstaff replied Stewart is one voice in this community and it equal to other. Distrust of government is inherent. She listens to everyone as much as Stewart. Cindy stated the difference is we do not get up and state we are going to sue you if you do not agree with us. Commissioner Driscoll stated people feed on this polarization. It is the fact people are not talking to each other. We need to figure out a way to balance and listen to everyone. You can't keep doing the teeter totter effect.

Hans McPherson stated the memo has several names on it. We were cautious to put our names on there with Stewart due to the distrust. He has had a lot of phone calls regarding the agenda. We are trying to find some common ground. He would like to see the people who are for zoning and against go to the ocean and try to stop the tide. We need to create how we are going to live.

► The Board met with Civil Counsel on pending legal issues.

6/4/08

Memorandum

TO: Board of County Commissioners, Ravalli County

FROM: Stewart Brandborg
Brian Glenn
Andy Maki
Hans McPherson
Mike Pfieger
Chip Pigman
Lyle Pilon
Jack Saunders
Willie Schrock
Dave Schultz

SUBJECT: Status of Countywide Zoning Project

DATE: June 4, 2008

During the past three months, we have met informally several times to discuss the countywide zoning project. With the assistance of the Public Policy Research Institute, we have built a sense of respect and a common understanding of each other's interests and perspectives. Based on our conversations to date, we have come to the following conclusions:

1. We believe that countwide zoning can be an effective tool (not the only one) to support a vision we share in common for the future of the Bitterroot Valley. Our vision is defined, in part, by the following points:
 - a. Accommodate the inevitable growth of the valley.
 - b. Provide a desirable and predicable growth pattern in the valley.
 - c. Respect private property rights.
 - d. Sustain a viable farming and ranching community; a building and development industry; conservation values such as open space, wildlife corridors, and recreation areas; and the quality and character of the valley itself.
2. The countywide zoning project is going too far too quickly, and is more complex than is necessary or desirable. Many people throughout the county who represent diverse interests and viewpoints are frustrated and seem to have little or no faith in the process. Therefore, some key stakeholders appear to be "opting out" of the process, jeopardizing the success of developing broad-based support of county-wide zoning.

3. Although the CPCs provide an excellent opportunity for public participation, there is no countywide forum to integrate the diverse interests of residents.
4. The initial products from Clarion Associates - including Draft B of the zoning regulations and the first draft of the maps - do not accurately reflect the input and advice of either the CPCs or various stakeholder groups.

Recommendations

Based on these conclusions, we offer the following recommendations on how to move forward:

- A. We recommend that it is more important to have a quality product than to complete this project according to the existing schedule. There is simply too much at stake in terms of the future of the valley, as well as the social and political capacity of residents to solve these types of problems, to continue on the current path. We are not necessarily recommending that you extend the time frame or deadline for the project (although that may be necessary), but to adjust the process at this point to make it more effective. We offer some recommendations below on how this might be done.
- B. We recommend that the scope of the proposed zoning regulations be much more limited than the current draft, which is far too complex and includes provisions that are unnecessary in Ravalli County. We recommend that the zoning regulations and maps be simplified by focusing primarily on land use and density, and include mention of height and setbacks at the minimum level required by state law.

We also recommend postponing the discussion of other issues to a later, specified date. This will allow the county to observe what works with the base layer of zoning and what needs further attention *before* the county embarks on another planning project that builds on the base layer of zoning. Limiting the scope of the regulations in this way may also allow us/you to get something in place by the November deadline, and recognizes that land use planning and growth management is an ongoing process.

- C. We recommend that higher density, including cluster development, in and around existing communities and infrastructure should be more strongly encouraged than is currently shown on Draft 1 zoning maps.
- D. During the coming weeks, we plan to work together to integrate diverse interests including but not limited to the recommendations of the CPCs, the position paper of the Right to Farm and Ranch Board, the maps of the

building and development industry, the map produced by the conservation community, and so on. We plan to focus on both the draft regulations and the draft maps. Our hope is to reconcile different points of view and ensure that the input and advice of various groups is accurately reflected in the next draft of the zoning regulations and maps.

We believe that the success of our working group to date is due to the fact that it is homegrown - which is to say that we created the group ourselves, reaching out to recognized leaders that not only represent diverse viewpoints, but are reasonable people committed to solving common problems.

We also recommend that, to the extent possible, the Public Policy Research Institute continue to convene and facilitate these meetings.

- E. We recommend that the Board of County Commissioners demonstrate their commitment to have a quality product, not just get it done, by speaking with one voice through either a resolution, letter to the editor, or other appropriate public announcement. Part of this commitment includes recognition that the current timeline may need adjustment to allow for diligent efforts to produce a quality proposal, and this commitment includes some guarantee that last minute changes made without public input will not be considered by the commissioners for adoption. If you can not make this commitment, for whatever reason, we would like a response within a week of delivery of this memo explaining what makes that commitment impossible.

Thank you in advance for your consideration. We would be happy to discuss these recommendations with you at your earliest convenience.